

1FW

Atty. Dkt. No. 071949-5408

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: VALKIRS et al.

Title: DIAGNOSTIC MARKERS OF  
STROKE AND CEREBRAL  
INJURY AND METHODS OF  
USE THEREOF

Appl. No.: 10/714,078

Filing Date: 11-14-2003

Examiner: Unknown

Art Unit: 3676

<b>CERTIFICATE OF MAILING</b> I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below. <u>DIANE GARCIA</u> (Printed Name) <u>Diane Garcia</u> (Signature) <u>1-20-2005</u> (Date of Deposit)
---

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**Mail Stop Amendment-IDS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-U.S. patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to

antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

**RELEVANCE OF EACH DOCUMENT**

All of the documents are in English.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

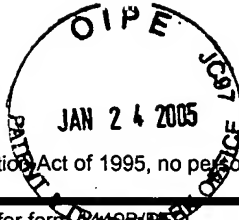
Respectfully submitted,

Date 1/20/2005

FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6722  
Facsimile: (858) 792-6773

By Barry Wilson

Barry S. Wilson  
Attorney for Applicant  
Registration No. 39,431



MODIFIED PTO/SB/08 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 8419B (P. 3)				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> Date Submitted: January 20, 2005 (Use as many sheets as necessary)				<b>Application Number</b>	10/673,077
				<b>Filing Date</b>	09/26/2003
				<b>First Named Inventor</b>	Gunars Valkirs
				<b>Group Art Unit</b>	3676
				<b>Examiner Name</b>	Unknown
<b>Sheet</b>	1	of	1	<b>Attorney Docket Number</b>	071949-5408

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
	A1	5786163		Hall	07-28-1998	
	A2	6627457		Pandian et al.	09-30-2003	
	A3	6670138		Gonzalez-Zulueta et al.	12-30-2003	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A4	Huttunen et al., "Coregulation of neurite outgrowth and cell survival by amphotericin and S100 proteins through receptor for advanced glycation end products (RAGE) activation. The Journal of Biological Chemistry, 275:40096-40105, 2000.	
	A5	Mussack et al., Early cellular brain damage and systemic inflammatory response after cardiopulmonary resuscitation or isolated severe head trauma: a comparative pilot study on common pathomechanism. Resuscitation, 49:193-199, 2001.	
	A6	Yakovlev et al., Activation of CPP32-Like caspases contributes to neuronal apoptosis and neurological dysfunction after traumatic brain injury. The Journal of Neuroscience, 17(19): 7415-724, 1997.	
	A7	International Search Report for international application No. PCT/US04/26984	
	A8	Notice of References Cited, PTO-892, Part of Paper No. 20041202 from U.S. Application No. 10/225,082 filed August 20, 2002.	

<b>Examiner Signature</b>		<b>Date Considered</b>	
---------------------------	--	------------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

5404

<b>Notice of References Cited</b>	Application/Control No. 10/225,082	Applicant(s)/Patent Under Reexamination VALKIRS ET AL.	
	Examiner Gary W. Counts	Art Unit 1641	Page 1 of 2 ) <i>GC 12/26/04</i>

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,670,138	12-2003	Gonzalez-Zulueta et al.	435/7.1
	B	US-6,627,457	09-2003	Pandian et al.	436/501
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	Yakovlev et al., Activation of CPP32-Like Caspases Contributes to Neuronal Apoptosis and Neurological Dysfunction after Traumatic Brain Injury, The Journal of Neuroscience, October 1, 1997, 17 (19): 7415-7424.
	V	Huttunen et al., Coregulation of Neurite Outgrowth and Cell Survival by Amphoterin and S100 Proteins through Receptor for Advanced glycation End Products (RAGE) Activation., Journ. of Biological Chem. Vol 275, Dec. 22, 2000, pp. 40096-40105.
	W	Mussack et al., early cellular brain damage and systemic inflammatory response after cardiopulmonary resuscitation or isolated sever ehad trauma, Resuscitation, (May 2001) Vol. 49, No.2, pp. 193-199.
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.